



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**  
FROM CONCEPT TO CONSTRUCTION

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**Date:** November 6, 2019  
**To:** Interested Person  
**From:** Hannah Bryant, Land Use Services  
503-823-5353 / [Hannah.Bryant@portlandoregon.gov](mailto:Hannah.Bryant@portlandoregon.gov)

## **NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has approved proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

### ***CASE FILE NUMBER: LU 19-233983 HRA – WINDOW REPLACEMENT IN SOUTH PORTLAND HISTORIC DISTRICT***

#### **GENERAL INFORMATION**

**Applicant:** Denise Stephens, and Daniel Evens  
3312 SW Corbett Ave | Portland, OR 97206

**Owner:** Denise Stephens, and Daniel Evens  
5226 SE Ivon St | Portland, OR 97206

**Site Address:** **3312 SW CORBETT AVE**

**Legal Description:** BLOCK 125 LOT 7, CARUTHERS ADD  
**Tax Account No.:** R140911840  
**State ID No.:** 1S1E10BD 06300  
**Quarter Section:** 3329  
**Neighborhood:** South Portland NA., contact Jim Gardner at [contact@southportlandna.org](mailto:contact@southportlandna.org).  
**Business District:** South Portland Business Association, contact [info@southportlanddba.com](mailto:info@southportlanddba.com).  
**District Coalition:** Southwest Neighborhoods Inc., contact Sylvia Bogert at 503-823-4592.  
**Plan District:** None  
**Other Designations:** Contributing Resource in South Portland Historic District  
**Zoning:** R2, Residential 2,000  
**Case Type:** HRA, Historic Resource Review  
**Procedure:** Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

#### **Proposal:**

The applicant is seeking Historic Resource Review approval to replace nine non-original windows and two doors on a house that is a contributing resource in the South Portland

Historic District. The replacement windows will be composed of wood and fiberglass. The new doors will be wood. The exterior trim on some of the windows will also be replaced to match the original trim of the house.

Historic Resource Review is required because the proposal is for non-exempt exterior alterations in the South Portland Historic District.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland's Zoning Code. The relevant approval criteria are:

- 33.846.060.G *Other approval criteria*

## ANALYSIS

**Site and Vicinity:** The subject property is located in the South Portland Historic District, east of Naito Parkway. It is also located within the Lair Hill Pedestrian District. It is a 5,000 square foot midblock lot, on a block where all but two of the 14 parcels are contributing resources. Known as the Richard M. Tabor house, the two-story craftsman style residence was constructed in 1900 as a single-family home. Surrounding properties are currently a mix of single- and multi-family residential homes and small-scale commercial.

Homes in this area developed around the historic trolley system that previously ran in front of this property in SW Corbett Ave. There is currently a bus line on SW Corbett. SW Corbett is classified as a City Bikeway, a transit access street, a minor emergency response street, a local service truck street, a local service walkway, a local service traffic street,

**Zoning:** The Residential 2,000 (R2) zone is a low-density multi-dwelling zone. It allows approximately 21.8 dwelling units per acre. Density may be as high as 32 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one to three story buildings, but at a slightly larger amount of building coverage than the R3 zone. The major types of new development will be duplexes, townhouses, rowhouses and garden apartments. These housing types are intended to be compatible with adjacent houses. Generally, R2 zoning will be applied near Major City Traffic Streets, Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets. Newly created lots in the R2 zone must be at least 4,000 square feet in area for multi-dwelling development, 1,600 square feet for development with attached or detached houses, and 2,000 square feet for development with duplexes. Minimum lot width and depth standards may apply.

The Historic Resource Protection overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks and protects certain historic resources in the region and preserves significant parts of the region's heritage. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. The regulations foster pride among the region's citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

**Land Use History:** City records indicate there are no prior land use reviews for this site.

**Agency Review:** A Notice of Proposal in your Neighborhood was mailed on **October 16, 2019**. No Bureaus were included in the review of this Type I proposal.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **October 16, 2019**. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## **ZONING CODE APPROVAL CRITERIA**

### **Chapter 33.846.060 - Historic Resource Review**

#### **Purpose of Historic Resource Review**

Historic Resource Review ensures the conservation and enhancement of the special characteristics of historic resources.

#### **Historic Resource Review Approval Criteria**

Requests for Historic Resource Review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

**Findings:** The site is within the portion of the South Portland Historic District east of SW Naito Parkway and the proposal is for non-exempt treatment. Therefore, Historic Resource Review approval is required. The approval criteria are those listed in *33.846.060 G – Other Approval Criteria*.

*Staff has considered all guidelines and addressed only those applicable to this proposal.*

### **33.846.060 G - Other Approval Criteria**

- 1. Historic character.** The historic character of the property will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the property's historic significance will be avoided.
- 2. Record of its time.** The historic resource will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided.
- 3. Historic changes.** Most properties change over time. Those changes that have acquired historic significance will be preserved.
- 4. Historic features.** Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.
- 5. Historic materials.** Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used.
- 7. Differentiate new from old.** New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old.
- 8. Architectural compatibility.** New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource.
- 9. Preserve the form and integrity of historic resources.** New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired.
- 10. Hierarchy of compatibility.** Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a Historic or Conservation District, with the rest of the district. Where practical, compatibility will be pursued on all three levels.

**Findings for 1, 2, 3, 4, 5, 7, 8, 9 and 10:** The proposal is to replace non-original aluminum and vinyl windows and the non-original front door on a contributing resource in the South Portland Historic District. As noted in the South Portland Historic District nomination, this contributing resource has had numerous alterations over the years that have reduced its integrity. Alterations include asbestos siding, aluminum windows replacing original windows, and additional

interior alterations. Despite those alterations noted in the nomination's property description, the house is still considered a good example of a Craftsman style residence and is therefore significant as part of the larger grouping of residential development that occurred in the South Portland area.

Removal of the non-original windows and door, and replacement with elements that more closely resemble the originals, serves to enhance the historic character of the primary contributing resource as well as the historic district. The aluminum and vinyl windows are easily recognizable to the public as non-original elements that are not consistent with the era of the home. No original historic materials will be damaged or removed as part of this proposal. Limited non-original trim may be replaced to match the original wood trim elsewhere on the home in material, dimension and finish.

To ensure compatibility with the historic resource, and to preserve the form and integrity of both the primary structure and the surrounding historic district context, a Condition of Approval C states that the new windows shall be wood exterior, without any cladding material. New wood windows are clearly differentiated from the wood windows that would have been installed in 1900, and can be recognized through construction type, detailing, dimensional thickness and quantity of panes. Unlike vinyl, fiberglass or other modern materials, wood windows are comparable in exterior dimensions and material thicknesses. This results in shadow lines and discernible similarities in scale, details and design that match the original historic features.

To encourage the continued restoration of this historic resource, Staff has extended the scope of this review to approve the replacement of all non-original windows on the subject property with wood windows. Replacement of additional windows is optional and may be phased. Including the approval as part of this review facilitates future window replacement work during the three-year approval period without additional historic resource review.

*With Condition of Approval C, that all new windows shall be wood exterior without cladding material, these criteria are met.*

## **DEVELOPMENT STANDARDS**

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all requirements of Title 11 can be met, and that all development standards of Title 33 can be met or have received an Adjustment or Modification via a land use review, prior to the approval of a building or zoning permit.

## **CONCLUSIONS**

The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

## **ADMINISTRATIVE DECISION**

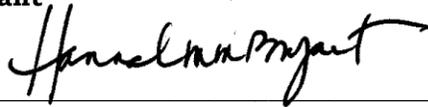
Approval of wood windows to replace all non-original windows and a new wood entry door, per the approved site plans, Exhibits C-1 through C-6, signed and dated November 4, 2019, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through D) must be noted on each of the four required site plans or

included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE- Case File LU 19-233983 HRA ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. All new windows shall be wood exterior, without cladding material.
- D. No field changes allowed.

**Staff Planner: Hannah Bryant**



**Decision rendered by:** \_\_\_\_\_ **on November 4, 2019**

By authority of the Director of the Bureau of Development Services

**Decision mailed November 6, 2019**

**Procedural Information.** The application for this land use review was submitted on September 30, 2019 and was determined to be complete on October 14, 2019.

*Zoning Code Section 33.700.080* states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore, this application was reviewed against the Zoning Code in effect on September 30, 2019.

*ORS 227.178* states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: February 11, 2020.**

**Some of the information contained in this report was provided by the applicant.**

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

**Conditions of Approval.** If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

**This decision, and any conditions associated with it, is final.** It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed,

as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [www.portlandonline.com](http://www.portlandonline.com).

**Recording the final decision.**

If this Land Use Review is approved the final decision will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **November 07, 2019** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

**Expiration of this approval.** An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

**Applying for your permits.** A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

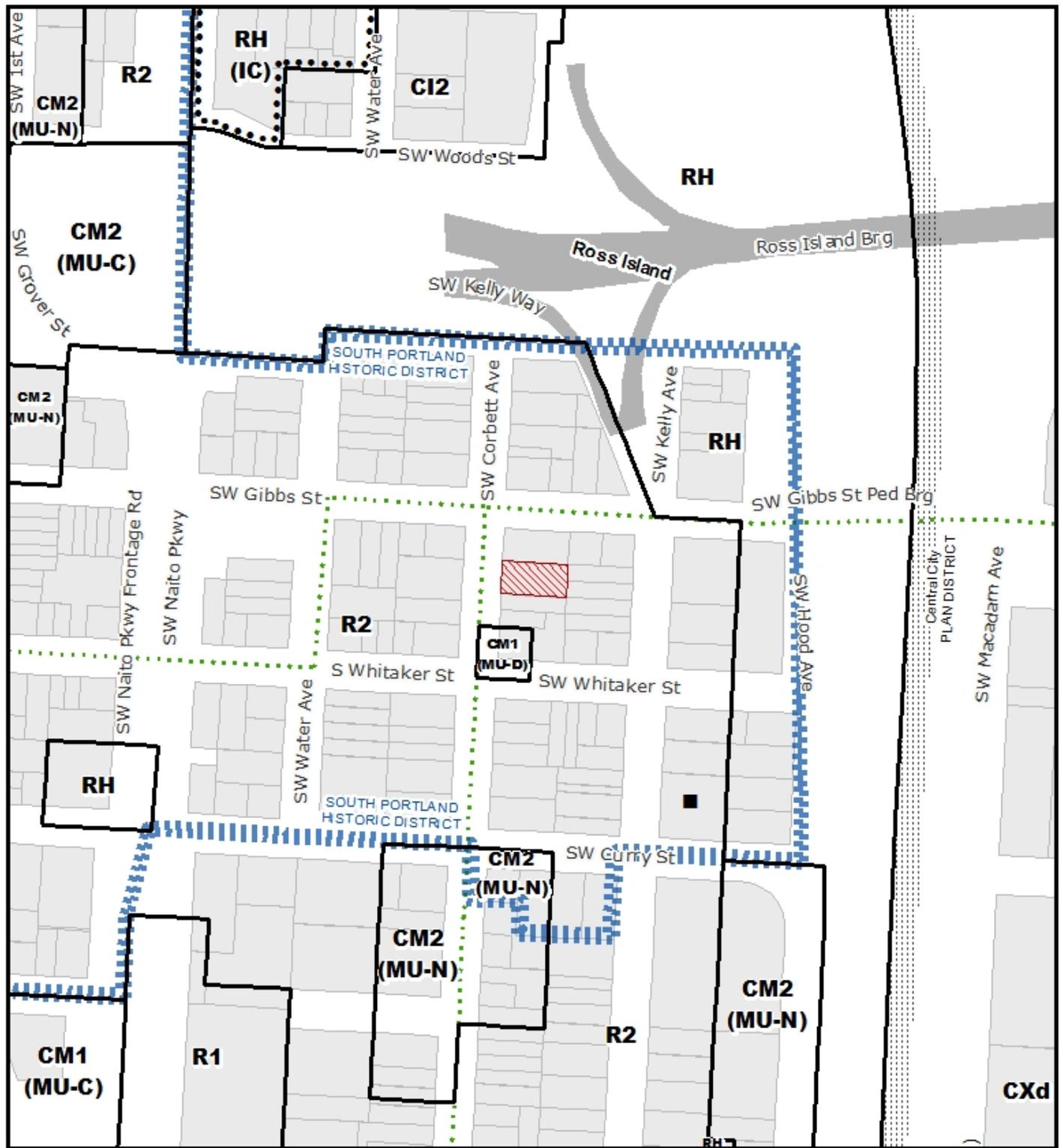
**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittals
  1. Narrative and Original Drawings
  2. Site Photos
- B. Zoning Map (attached)
- C. Plans/Drawings:
  1. Site Plan (attached)
  2. North elevation
  3. West elevation
  4. South elevation
  5. East elevation
  6. Door
- D. Notification information:
  1. Mailing list

- 2. Mailed notice
- E. Agency Responses: None
- F. Correspondence: None
- G. Other:
  - 1. Original LU Application

**The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).**



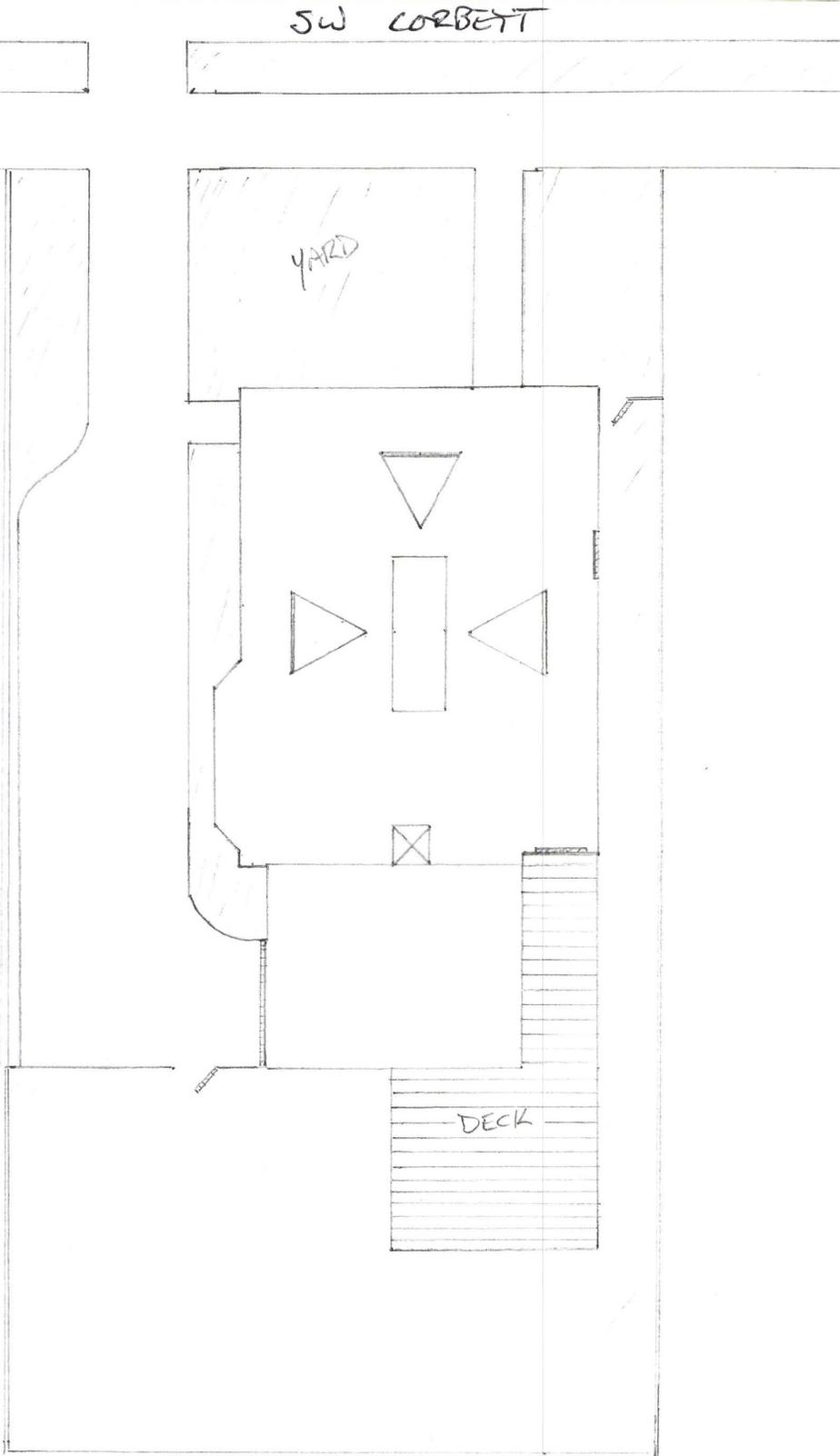
# ZONING



-  Site
-  Historic Landmark
-  Bridge
-  Recreational Trails

File No.	LU 19 - 233983 HR
1/4 Section	3329
Scale	1 inch = 200 feet
State ID	1S1E10BD 6300
Exhibit	B Oct 02, 2019

**\*Approved\***  
City of Portland - Bureau of Development Services  
Planner JMF Date 11.4.19  
\* This approval applies only to the reviews requested and is subject to all  
city code provisions in effect at the time of approval. Additional zoning requirements may apply.



SW CORBETT

3312 SW CORBETT 97239



LU 19-233983 HR

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